APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,516	08/30/2001	John E. Auer	2000P09059US01	8141

43713	7590	08/08/2006	EXAMINER

JACK SCHWARTZ & ASSOCIATES
1350 BROADWAY, SUITE 1510
NEW YORK, NY 10018

COBANOGLU, DILEK B

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

    4a) Of the above claim(s) *7 and 17* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6, 8-16, 18-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *8/30/2001*. 10/23/2003, 11/24/2003

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Notice to Applicant

1.   This communication is in response to the amendment filed 05/18/2006. The

Applicant has canceled claims 7 and 17. Claims 1-6, 8-16 and 18-23 continue pending.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-6, 8-16 and 18-23 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Wallace (U.S. Patent No. 6,305,373 B1) in view of Schoenberg (U.S.

Patent Publication No. 2005/0125256 A1).

     A. Claim 1 is amended now to recite

          i.   a menu generator for generating a composite window <u>including a</u>

<u>first panel for displaying user specified parameters of said ordered</u>

<u>acquired data in a graphical format, a second panel for displaying user</u>

<u>specified parameters of said ordered acquired data in tabular format, and</u>

<u>a third panel for displaying a user selected one of user-entered medical</u>

<u>notes, medical laboratory results, and ventilator data;</u>

          Wallace fails to expressly teach the generating a composite

window, per se, since it appears that Wallace is more directed to

displaying a plurality of screens or panels <u>including a first panel for</u>

<u>displaying user specified parameters of said ordered acquired data</u>

<u>in a graphical format, a second panel for displaying user specified</u>

<u>parameters of said ordered acquired data in tabular format, and a</u>

<u>third panel for displaying a user selected one of user-entered</u>

<u>medical notes, medical laboratory results, and ventilator data</u> and

plurality of manual parameter control (Wallace; abstract, col.3, lines

1-14, lines 49-56 and col. 4, lines 29-33). However, this feature is

well known in the art, as evidenced by Schoenberg.

In particular, Schoenberg discloses generating a composite window

(Schoenberg; par. 0037, 0052, 0054 and Fig.2).

It would have been obvious to one having ordinary skill in the art at

the time of the invention to include the aforementioned limitation as

disclosed by Schoenberg with the motivation of to provide multiple

types of patient data simultaneously (Schoenberg; par. 0015).

Wallace fails to expressly teach the <u>second panel includes a slider</u>

<u>bar for navigating through the user specified parameters in tabular</u>

<u>format and first panel includes a cursor, said cursor being</u>

<u>controlled by said slider bar to navigate through said user specified</u>

<u>parameters in graphical format concurrently with navigating through</u>

<u>said user specified parameters in tabular format</u>, per se, since it

appears that Wallace is more directed to displaying a plurality of

screens or panels and plurality of manual parameter control

(Wallace; col. 3, lines 1-14 and lines 49-56). However, this feature

is well known in the art, as evidenced by Schoenberg.

In particular, Schoenberg discloses a <u>second panel includes a</u>

<u>slider bar for navigating through the user specified parameters in</u>

<u>tabular format and first panel includes a cursor, said cursor being</u>

<u>controlled by said slider bar to navigate through said user specified</u>

<u>parameters in graphical format concurrently with navigating through</u>

<u>said user specified parameters in tabular format</u> (Schoenberg; par.

0037, 0052 and 0054).

It would have been obvious to one having ordinary skill in the art at

the time of the invention to include the aforementioned limitation as

disclosed by Schoenberg with the motivation of to determine which

data is graphed (Schoenberg; par. 0052).

B. The amendment to method claim 11 reflects the same changes made to

system claim 1, and is therefore rejected for the same reasons given above for

system claim 1 in addition to the reasons given in the prior Office Action (paper

number 2-3).

C. As per newly added claim 21, Wallace discloses the system of claim 1

wherein said composite window includes a scalability icon for specifying a time

scale of the displayed acquired data in both said graphical and tabular format (Wallace; col. 15, lines 19-26).

D. As per newly added claim 22, Wallace discloses the system of claim 11 further comprising the step of activating a scalability icon for specifying a time scale of the displayed acquired data in both said graphical and tabular format (Wallace; col. 15, lines 19-26).

E. As per newly added claim 23, Wallace discloses the system of claim 1. The obviousness of modifying the teaching of Wallace to include the concurrent navigation through substantially synchronized user specified parameters in graphical format and tabular format (as taught by Schoenberg) is as addressed above in the rejection of claim 1 and incorporated herein.

Response to Arguments

4.   Applicant's arguments filed 05/18/2006 have been fully considered but they are not persuasive. Applicant's arguments will be addressed below in the order in which they appear.

A. In response to Applicant's first argument on page 7-8 about Wallace reference does not teach "generating a composite window for displaying said ordered acquired data in a graphical format in a first panel, displaying user specified parameters of said ordered acquired data in tabular format in a second panel, and displaying a user selected one of user-entered medical notes, medical laboratory results, and ventilator data in a third panel", Examiner respectfully

submits that the combination of references Wallace and Schoenberg teach

generating a composite window for displaying a graphical format in first panel,

user specified parameters in second panel, and ventilator data in the third panel.

Wallace also discloses a microprocessor controller, which controls the logic and

arrangement of the screen displays and the interface with the ventilator (Wallace;

col. 3, lines 1-14, and lines 49-56).

B. In response to Applicant's second argument on page 8 about Wallace

reference does not teach "navigating through the user specified parameters in

tabular format by positioning a slider bar included in said second panel; and

controlling a cursor included in said first panel, said cursor being controlled by

said slider bar to navigate through said user specified parameters in graphical

format concurrently with navigating through said user specified parameters in

tabular format", Examiner respectfully submits that the combination of references

Wallace and Schoenberg teach this limitation as explained in the rejection of

claim 1.

C. In response to Applicant's third argument on page 8 about Wallace reference

does not teach "displaying the acquired data within a user-selected time frame",

Examiner respectfully submits that Wallace teaches starting a timer and the

writing this value in memory (col. 7, lines 12-15 and lines 54-56); Wallace

continues on col. 18, lines 36-46 that alarm conditions (acquired data) may be

conveniently stored for later viewing. Examiner interprets that the time frame is

selected by the user and the data is an acquired data.

D. In response to Applicant's forth argument on page 10 about Wallace and

Schoenberg reference do not teach "a processor for acquiring data associate

with a patient from at least one of the plurality of sources, the processor

prioritizing the acquired data for display in a desired order; and a menu generator

generating a composite window including a first panel for displaying user

specified parameters of said ordered acquired data in tabular format, and a third

panel for displaying a user selected one of user-entered medical notes, medical

laboratory results and ventilator data", Examiner respectfully submits that

Wallace teaches a processor controls the displaying the plurality of screens (col.

3, lines 1-14). Wallace also teaches alarm messages for user to recognize and

understand and each message may comprise an identifying message identifying

the alarm being indicated (col. 4, lines 17-27). Examiner interprets that the alarm

indicators indicating the severity of alarms is prioritizing the acquired data.

E. In response to Applicant's fifth argument on page 10 about Wallace and

Schoenberg reference do not teach "second panel includes a slider bar for

navigating through the user specified parameters in tabular format and first panel

includes a cursor, said cursor being controlled by said slider bar to navigate

through said user specified parameters in graphical format concurrently with

navigating through said user specified parameters in tabular format" is cited in

the rejection of claim 1. Examiner interprets that the controlling the display of

plurality of screens taught by Wallace and displaying multiple screens

concurrently, and selecting the information to be displayed with using menu bar

taught by Schoenberg as explained above in the rejection of claim 1 would overcome these limitations.

F. In response to Applicant's sixth argument on page 11 about there is no reason or motivation to combine the Wallace and Schoenberg references, Examiner respectfully submits that there is a motivation of displaying multiple types of patient data simultaneously as explained in the rejection of claim 1 above.

G. In response to Applicant's seventh argument on page 11 about "neither of these references is concerned with concurrently navigating through the display of data in graphical and tabular format as in the present invention", Examiner submits that Schoenberg reference teaches this limitation on Fig. 2 A-B and 3 A-B and paragraphs 0037, 0052 and 0054.

Conclusion

5.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

6.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dilek B. Cobanoglu whose telephone number is 571-272-8295. The examiner can normally be reached on 8-4:30.

8.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DBC
Art Unit 3626
07/20/2006

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER